

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

Paul Goldman,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:21-CV-420
)	
Robert Brink, et al.,)	
)	
Defendants.)	

**DEFENDANTS’ MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR
LACK OF JURISDICTION UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(B)(1)**

Defendants Robert Brink, in his official capacity as Chairman of the State Board of Elections, John O’Bannon, in his official capacity as Vice Chair of the State Board of Elections, Jamilah D. LeCruise, in her official capacity as Secretary of the State Board of Elections, and Susan Beals, in her official capacity as Commissioner of the State Board of Elections, by counsel, move to dismiss the Second Amended Complaint under Federal Rule of Civil Procedure 12(b)(1). The basis for this motion is set forth in the accompanying memorandum of law.

ROSEBORO NOTICE

Consistent with the requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the following notice advises the *pro se* plaintiff that:

- (1) He is entitled to file a response opposing the motion and any such response must be filed within fourteen (14) days of the date on which this motion was filed; and
- (2) The Court could dismiss this action on the basis of the Defendants’ moving papers if he does not file a response; and
- (3) He must identify all facts stated by the Defendants with which he disagrees and must set forth his version of the facts by offering affidavits (written statements signed

before a notary public under oath) or by filing sworn statements (bearing a certificate that is signed under penalty of perjury); and

- (4) He also is entitled to file a legal brief in opposition to the one filed by the Defendants.

Dated: April 1, 2022

Respectfully submitted,

ROBERT H. BRINK
JOHN O'BANNON
JAMILAH D. LECRUISE
SUSAN BEALS

By: /s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on April 1, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. A true copy was also sent, via first class mail and electronically, to:

Paul Goldman
PO Box 17033
Richmond, VA 23226
Pro se Plaintiff

/s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
Counsel for Defendants